

such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses the rejections of the Examiner. The Examiner does not believe the original disclosure provides support for a cutting tool that is movable to both a second and a third position as now claimed. The specification beginning on page 13, line 10 describes Figure 10. Figure 10 schematically illustrates the provision of a laterally adjustable fence portion on each lateral side of an exemplary compound miter saw according to the invention. Such dual movable fence provision accommodates movement to selective miter, bevel and compound cutting operations on either lateral side of the miter saw. Thus, the specification supports movement to a second and third position. Reconsideration of the rejection is respectfully requested.

DOUBLE PATENTING

Claims 1, 10, 11, 14, 15 and 22-26 are rejected under the judicially created doctrine of non-statutory double patenting over Claims 1-47 of U.S. Patent No. 5,297,463. Enclosed is a Terminal Disclaimer to overcome the double patenting rejection. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 10, 11, 14, 15 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viazanko, PN 4,798,113, in view of Brundage et al., PN 4,934,233. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Viazanko, PN 4,798,113, in view of Brundage et al. as applied in Claim

22 above, and further in view of Novak, PN 3,901,498. Applicant respectfully traverses the rejection by the Examiner. The Examiner states that Viazanko teaches or suggests ALMOST every structural limitation but lacks the cutting tool being moveable to second and third positions as now claimed. The Examiner then takes official notice that cutting tools are capable of such positions and cites Brundage et al. to support this position.

While Brundage et al. disclose a compound miter saw, Brundage et al. does not disclose a miter saw that can move for a bevel cut to either side of the saw as is now claimed in Claim 1 and 22. A compound miter saw is capable of moving to both a miter and a bevel cut simultaneously. Thus, the term compound. The present invention provides a compound miter saw where the bevel angle can be set by moving the blade to either the left side or the right side (second and third positions). To accommodate this movement, the fence assembly includes fixed and movable fences on both sides of the saw blade.

As is clearly illustrated in Brundage et al., particularly Figure 1, the right hand side of the fence does not accommodate movement of the saw blade to the right for bevel cutting. Only the left side of the fence in Brundage is cut away to provide clearance for bevel adjustment to the left. As shown in Figure 4 of Brundage, the bevel adjustment is only to the left and nothing is disclosed which shows that the bevel adjustment of Brundage can be made to the right. Thus, Brundage does not support the Examiner's position.

The present invention provides unique compound miter saw with the maximum versatility in that It can be adjusted in multiple directions and it includes a fence assembly that provides the maximum support for the work piece as the saw is

moved to its various position. The Examiner has taken the Applicant's disclosure and used hindsight reconstruction combining references that are not directed to the same problems solved by Applicants invention, that have no suggestion that they be combined and do not teach, disclose or even suggest Applicant's invention when it is taken in its entirety. Applicant believes this to be a mis-application of 35 U.S.C § 103 and the combining of references.

Thus, Applicant believes Claims 1 and 22, patentably distinguish over the art of record. Likewise, Claims 10, 11, 14, 15 and 23-26 which ultimately depend from one of these independent claims are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJOINDER OF CLAIMS

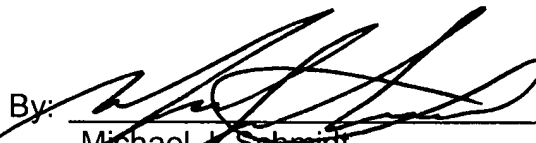
Applicant respectfully request the rejoinder of Claims 2-7.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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